

Atty Docket No. BOO001/135818

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: M. David Boothe  
 Serial No.: 09/989,555  
 Date Filed: 11/20/01  
 For: MINI-STORAGE DOOR LATCH

Group No.: 3677  
 Examiner: Carlos Lugo

APR 20 2004

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
 TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
 (37 C.F.R. § 1.191)**

**OFFICIAL**

EXPRESS MAILING UNDER 37 C.F.R. § 1.10\*  
 (Express Mail label number is mandatory.)  
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I hereby certify that this paper, along with any document referred to, is being deposited with the United States Postal Service on this date 2-5-2004 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 as "Express Mail Post Office to Addressee" Mailing Label No. EV143322629 US.

Ann Razo  
*(type or print name of person certifying)*

Ann Razo  
*Signature of person certifying*

**WARNING:**

*Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.*

**\*WARNING:**

*Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing- 37 C.F.R. 1.10(b).*

*"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.*

NOTE: An appeal may be based on one rejection in a prior application and one rejection in a continuing application. 62 Fed. Reg. 53,131, at 53,167; 1203 O.G. 63, at 93 (Oct. 10, 1997).

NOTE: There is no requirement for a notice of appeal to: (1) be signed; or (2) identify the appealed claims. 62 Fed. Reg. 53,131, at 53,167; 1203 O.G. 63, at 94 (Oct. 10, 1997).

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed 11/13/03, finally rejecting claims 9-11.

The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of:

other than a small entity.

a small entity.

A statement

is attached.

was already filed on \_\_\_\_\_.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Notice of Appeal is:

small entity \$ 165.00

other than a small entity \$ 330.00

Notice of Appeal fee due \$ 165.00

3. EXTENSION OF TERM

NOTE: 37 C.F.R. § 1.7(4)(b) "... an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph."

NOTE: The time periods set forth in 37 C.F.R. § 1.191 are subject to the provision of § 1.136 for patent applications, 37 C.F.R. § 1.191(d). (But see 37 C.F.R. § 1.645 for extension of time in interference proceedings and 37 C.F.R. § 1.350(e) for extension of time in reexamination proceedings).

*(complete (a) or (b), as applicable)*

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

- (a)  Applicant petitions for an extension of time under 37 C.F.R. § 1.136 (fees: 37 C.F.R. § 1.17(a)(1)-(4)) for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00

Fee: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

- An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

or

- (b)  Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

#### 4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$ 165.00

Extension fee (if any) \$ 0.00

**TOTAL FEE DUE \$ 165.00**

**5. FEE PAYMENT**

- Attached is a  check  money order in the amount of \$ 165.00
- Authorization is hereby made to charge the amount of \$ \_\_\_\_\_
- to Deposit Account No. 50-0897 (BOO001/135818)
- to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: *Credit card information should not be included on this form as it may become public.*

- Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

**6. FEE DEFICIENCY**

NOTE: *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.*

- If any additional extension and/or fee is required,

AND/OR

- If any additional fee for claims is required,

charge:

- Deposit Account No. 50-0897 (BOO001/135818).
- Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: *Credit card information should not be included on this form as it may become public.*

Date: Feb 5, 2004

  
Gary L. Bush  
Reg. No.: 27,423

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